

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KAREN S. AMARAL,

Plaintiff,

v.

CAROLYN COLVIN, Acting
Commissioner of Social Security,

Defendant.

CASE NO. C13-5900 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable John L. Weinberg, United States Magistrate Judge (Dkt. 30), and Plaintiff Karen Amaral’s (“Amaral”) objections to the R&R (Dkt. 31).

On July 7, 2014, Judge Weinberg issued the R&R recommending that the Court affirm the decision of the Administrative Law Judge (“ALJ”) that Amaral is not disabled. Dkt. 30¹. On July 25, 2014, Amaral filed objections. Dkt. 31. On August 6, 2014, the Government responded. Dkt. 32.

¹ The length of time between the R&R and this Court’s consideration of the R&R is due to an error referring the matter to the undersigned.

1 The district judge must determine de novo any part of the magistrate judge's
2 disposition that has been properly objected to. The district judge may accept, reject, or
3 modify the recommended disposition; receive further evidence; or return the matter to the
4 magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

5 In this case, Amaral objects to (1) the ALJ giving little weight to the medical
6 opinion of treating physician Dr. David Monson and (2) the ALJ's adverse credibility
7 determination. Dkt. 31. With regard to the former issue, Amaral essentially disagrees
8 with the ALJ's interpretation of the evidence. It is well-established, however, that the
9 ALJ's conclusion must be upheld even when the evidence is susceptible to more than one
10 rational interpretation. *Morgan v. Comm'r of the Soc. Sec. Admin.*, 169 F.3d 595, 599
11 (9th Cir. 1999). Even though more recent evidence is more probative, *Ryan v. Astrue*,
12 528 F.3d 1194, 1201 (9th Cir. 2008), such a proposition only shows that all of the
13 evidence is susceptible to more than one rational interpretation. Aside from reweighing
14 the evidence, the Court agrees with Judge Weinberg that the ALJ provided specific and
15 legitimate reasons for discounting the opinion of Dr. Monson. *See* Dkt. 30 at 5–8.
16 Therefore, the Court adopts this portion of the R&R.

17 With regard to the ALJ's credibility determination, Amaral's objection is based on
18 the same theory that the ALJ improperly weighed the evidence in reaching her adverse
19 credibility determination. Dkt. 31 at 7–9. The Court, however, agrees with Judge
20 Weinberg that the ALJ's decision was a rational interpretation of the evidence. Dkt. 30 at
21 8–10. Therefore, the Court adopts the R&R on this issue as well.
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1 The Court having considered the R&R, Amaral's objections, and the remaining
2 record, does hereby find and order as follows:

- 3 (1) The R&R is **ADOPTED**;
- 4 (2) The ALJ's decision is **AFFIRMED**; and
- 5 (3) This action is **DISMISSED**.

6 Dated this 17th day of February, 2015.

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9 BENJAMIN H. SETTLE
United States District Judge